

April 10, 2024

The Honorable Beth Bloom
Wilkie D. Ferguson, Jr. United States Courthouse
400 North Miami Avenue, Chambers 10-2
Miami, Florida 33128
Email: Bloom@flsd.uscourts.gov

Via Priority and Electronic Mail

Re: *United States v. Rocha*
Case No.: 23-20464-CR-BLOOM

Dear Judge Bloom:


My name is Ofelia Acevedo Maura, and I am the widow of Oswaldo Payá Sardíñas. Our daughter, Rosa Maria Payá, joins me in writing this letter. Oswaldo was a prominent Cuban activist for human rights and democracy who founded a peaceful movement to oppose the one-party rule of the communist Cuban dictatorship. The Cuban dictatorship killed Oswaldo on July 22, 2012, by using several Cuban government vehicles to chase him for miles along a highway and violently ram the car he was in, ultimately killing him and his fellow activist Harold Cepero. The Cuban dictatorship actively hindered access to the details of Oswaldo's death, but my family never stopped seeking justice. We finally received the answers we sought when, in a landmark decision, the Inter-American Commission on Human Rights concluded the Cuban dictatorship assassinated Oswaldo. Rosa Maria proudly continues her father's legacy and tirelessly fights for freedom and the human rights of Cuban citizens.

It is our understanding that the U.S. Government has offered Defendant Victor Manuel Rocha a plea agreement in the above-captioned case that removes Your Honor's discretion at sentencing if the plea agreement is accepted. Given the gravity of this Defendant's conduct, including using his position of trust in the U.S. Government to advance the interests of the communist Cuban dictatorship responsible for the death of our beloved husband and father, we write this letter to express our profound concern regarding the unusual circumstances presented by the U.S. Government's plea offer and its implications on the principles of justice.


Oswaldo was a pivotal figure in the opposition to the Cuban dictatorship. He created the Christian Liberation Movement, a successful grassroots non-violent movement that still fights for Cubans' freedom to this day. He also spearheaded the successful Varela Project, which used the Cuban Constitution to introduce legislation that would provide Cuban citizens with basic human rights. His work through the Varela Project and the Christian Liberation Movement offered the Cuban people a program for the transition to democracy, with guarantees of respect for human rights and the holding of free and plural elections. The Cuban dictatorship retaliated by assassinating Oswaldo. Bad actors like the Defendant are part of the reason the Cuban dictatorship can silence and assassinate its political opponents with impunity.

As victims of harsh injustices of the Cuban dictatorship, a government that does not believe in justice or due process, we are deeply troubled that the U.S. Government is seeking to remove Your Honor's discretion from sentencing this Defendant. For good reason, we understand these types of plea offers are exceedingly rare in this country and such a plea sets a dangerous precedent in cases of this magnitude, because it removes Your Honor's discretion in addressing the full extent of the harm caused by the Defendant, thereby depriving victims of the Cuban dictatorship and the American public of their interest in having an independent determination as to the severity of this Defendant's conduct.

While we recognize and respect the complexities of the legal system, we are concerned this plea agreement compromises the principles of justice our Constitution demands, especially given the significance of this case. It is not lost on us that the U.S. Government is seeking to remove Your Honor's discretion from sentencing a Defendant who plans to admit he acted as an agent of the very foreign government that arbitrarily murders and imprisons its people without regard for due process. Our family respectfully requests Your Honor consider the gravity of the U.S. Government's request in light of the significant nature of the Defendant's charges. Thank you for your time and attention.


Ofelia Acevedo Maura (Apr 10, 2024 05:22 EDT)

OFELIA ACEVEDO MAURA


Rosa Maria Payá (Apr 6, 2024 10:53 EDT)

ROSA MARIA PAYÁ

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